

Senate File 2381 - Reprinted

SENATE FILE 2381

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3252)

(As Amended and Passed by the Senate March 25, 2010)

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department
3 of transportation, including allocation and use of moneys
4 from the road use tax fund and the primary road fund,
5 providing for properly related matters, and making penalties
6 applicable.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I
APPROPRIATIONS

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:

..... \$ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for subsequent fiscal years for the purposes specified in this subsection.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... \$ 6,654,962

b. Planning:

..... \$ 506,127

c. Motor vehicles:

..... \$ 35,604,012

3. For payments to the department of administrative services for utility services:

..... \$ 225,000

4. Unemployment compensation:

..... \$ 7,000

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:

..... \$ 137,000

6. For payment to the general fund of the state for indirect

1 cost recoveries:

2 \$ 78,000

3 7. For reimbursement to the auditor of state for audit

4 expenses as provided in section 11.5B:

5 \$ 67,319

6 8. For automation, telecommunications, and related costs

7 associated with the county issuance of driver's licenses and

8 vehicle registrations and titles:

9 \$ 1,406,000

10 9. For transfer to the department of public safety for

11 operating a system providing toll-free telephone road and

12 weather conditions information:

13 \$ 100,000

14 10. For costs associated with the participation in the

15 Mississippi river parkway commission:

16 \$ 40,000

17 11. For membership in North America's supercorridor

18 coalition:

19 \$ 50,000

20 12. For motor vehicle division field facility maintenance

21 projects at various locations:

22 \$ 200,000

23 For purposes of section 8.33, unless specifically provided

24 otherwise, moneys appropriated in this subsection that remain

25 unencumbered or unobligated shall not revert but shall remain

26 available for expenditure for the purposes designated until

27 the close of the fiscal year that ends three years after the

28 end of the fiscal year for which the appropriation was made.

29 However, if the projects for which the appropriation was

30 made are completed in an earlier fiscal year, unencumbered

31 or unobligated moneys shall revert at the close of that same

32 fiscal year.

33 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the

34 primary road fund created in section 313.3 to the department of

35 transportation for the fiscal year beginning July 1, 2010, and

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1 ending June 30, 2011, the following amounts, or so much thereof
2 as is necessary, to be used for the purposes designated:
3 1. For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:
6 a. Operations:
7 \$ 40,951,274
8 FTEs 312.00
9 b. Planning:
10 \$ 9,610,960
11 FTEs 131.00
12 c. Highways:
13 \$237,565,726
14 FTEs 2,452.00
15 d. Motor vehicles:
16 \$ 1,555,005
17 FTEs 478.00
18 2. For payments to the department of administrative
19 services for utility services:
20 \$ 1,382,000
21 3. Unemployment compensation:
22 \$ 138,000
23 4. For payments to the department of administrative
24 services for paying workers' compensation claims under
25 chapter 85 on behalf of the employees of the department of
26 transportation:
27 \$ 3,278,000
28 5. For disposal of hazardous wastes from field locations and
29 the central complex:
30 \$ 800,000
31 6. For payment to the general fund of the state for indirect
32 cost recoveries:
33 \$ 572,000
34 7. For reimbursement to the auditor of state for audit
35 expenses as provided in section 11.5B:

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1 \$ 415,181
2 8. For costs associated with producing transportation maps:
3 \$ 242,000
4 9. For inventory and equipment replacement:
5 \$ 2,250,000
6 10. For utility improvements at various locations:
7 \$ 400,000
8 11. For roofing projects at various locations:
9 \$ 200,000
10 12. For heating, cooling, and exhaust system improvements
11 at various locations:
12 \$ 200,000
13 13. For deferred maintenance projects at field facilities
14 throughout the state:
15 \$ 1,000,000
16 14. For federal Americans With Disabilities Act
17 improvements at various locations:
18 \$ 120,000
19 15. For elevator upgrades at the Ames complex:
20 \$ 100,000
21 16. For wastewater treatment improvements at various
22 locations:
23 \$ 1,000,000
24 For purposes of section 8.33, unless specifically provided
25 otherwise, moneys appropriated in subsections 10 through 16
26 that remain unencumbered or unobligated shall not revert
27 but shall remain available for expenditure for the purposes
28 designated until the close of the fiscal year that ends
29 three years after the end of the fiscal year for which the
30 appropriation was made. However, if the project or projects
31 for which such appropriation was made are completed in an
32 earlier fiscal year, unencumbered or unobligated moneys shall
33 revert at the close of that same fiscal year.

DIVISION II

MISCELLANEOUS STATUTORY CHANGES

1 Sec. 3. Section 321.1, subsection 4, Code Supplement 2009,
2 is amended to read as follows:

3 4. "*All-terrain vehicle*" means a motor vehicle designed
4 to travel on three or more wheels and designed primarily for
5 off-road recreational use ~~but not including~~. "All-terrain
6 vehicle" includes off-road utility vehicles as defined
7 in section 321I.1, but does not include farm tractors or
8 equipment, construction equipment, forestry vehicles, or lawn
9 and grounds maintenance vehicles.

10 Sec. 4. Section 321.234A, subsection 1, paragraph a, Code
11 2009, is amended to read as follows:

12 a. The operation is between sunrise and sunset and is
13 incidental to the vehicle's use for agricultural purposes. For
14 purposes of this paragraph, "incidental to the vehicle's use
15 for agricultural purposes" includes stopping in the course of
16 agricultural use to obtain fuel for the all-terrain vehicle or
17 to obtain food or a nonalcoholic beverage for the operator.

18 Sec. 5. Section 321.234A, subsection 1, Code 2009, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. f. The all-terrain vehicle is operated on a
21 county roadway in accordance with section 321I.10, subsection
22 2, or a city street in accordance with section 321I.10,
23 subsection 3.

24 Sec. 6. Section 321.445, subsection 2, Code 2009, is amended
25 to read as follows:

26 2. a. The driver and front seat occupants of a type of
27 motor vehicle that is subject to registration in Iowa, except a
28 motorcycle or a motorized bicycle, shall each wear a properly
29 adjusted and fastened safety belt or safety harness any time
30 the vehicle is in forward motion on a street or highway in this
31 state except that a child under ~~eleven~~ eighteen years of age
32 shall be secured as required under section 321.446.

33 b. This subsection does not apply to:

34 ~~a.~~ (1) The driver or front seat occupants of a motor
35 vehicle which is not required to be equipped with safety belts

1 or safety harnesses.

2 ~~b.~~ (2) The driver and front seat occupants of a motor
3 vehicle who are actively engaged in work which requires them
4 to alight from and reenter the vehicle at frequent intervals,
5 providing the vehicle does not exceed twenty-five miles per
6 hour between stops.

7 ~~c.~~ (3) The driver of a motor vehicle while performing
8 duties as a rural letter carrier for the United States postal
9 service. This exemption applies only between the first
10 delivery point after leaving the post office and the last
11 delivery point before returning to the post office.

12 ~~d.~~ (4) Passengers on a bus.

13 ~~e.~~ (5) A person possessing a written certification from
14 a health care provider licensed under chapter 148 or 151 on a
15 form provided by the department that the person is unable to
16 wear a safety belt or safety harness due to physical or medical
17 reasons. The certification shall specify the time period for
18 which the exemption applies. The time period shall not exceed
19 twelve months, at which time a new certification may be issued
20 unless the certifying health care provider is from a United
21 States military facility, in which case the certificate may
22 specify a longer period of time or a permanent exemption.

23 ~~f.~~ (6) Front seat occupants of an authorized emergency
24 vehicle while they are being transported in an emergency.
25 However, this exemption does not apply to the driver of the
26 authorized emergency vehicle.

27 c. The department, in cooperation with the department of
28 public safety and the department of education, shall establish
29 educational programs to foster compliance with the safety belt
30 and safety harness usage requirements of this subsection.

31 Sec. 7. Section 321.445, subsection 3, Code 2009, is amended
32 to read as follows:

33 3. The driver and front seat passengers may be each charged
34 separately for improperly used or nonused equipment under
35 subsection 2. However, the driver shall not be charged for a

1 violation committed by a passenger who is fourteen years of
2 age or older unless the passenger is unable to properly fasten
3 a seat belt due to a temporary or permanent disability. The
4 owner of the motor vehicle may be charged for equipment
5 violations under subsection 1.

6 Sec. 8. Section 321.446, subsections 2 and 3, Code 2009, are
7 amended to read as follows:

8 2. A child at least six years of age but under
9 eleven eighteen years of age who is being transported in
10 a motor vehicle subject to registration, except a school
11 bus or motorcycle, shall be secured during transit by a
12 child restraint system that is used in accordance with the
13 manufacturer's instructions or by a safety belt or safety
14 harness of a type approved under section 321.445.

15 3. This section does not apply to peace the following:

16 a. Peace officers acting on official duty. ~~This~~
17 ~~section also does not apply to the~~

18 b. The transportation of children in 1965 model year or
19 older vehicles, authorized emergency vehicles, buses, or motor
20 homes, except when a child is transported in a motor home's
21 passenger seat situated directly to the driver's right. ~~This~~
22 ~~section does not apply to the~~

23 c. The transportation of a child who has been certified
24 by a physician licensed under chapter 148 as having a
25 medical, physical, or mental condition that prevents or makes
26 inadvisable securing the child in a child restraint system,
27 safety belt, or safety harness.

28 d. A back seat occupant of a motor vehicle for whom no
29 safety belt is available because all safety belts are being
30 used by other occupants or cannot be used due to the use of a
31 child restraint system in the seating position for which a belt
32 is provided.

33 Sec. 9. Section 321.446, subsection 4, Code 2009, is amended
34 by striking the subsection and inserting in lieu thereof the
35 following:

1 4. A person who violates this section is guilty of a simple
2 misdemeanor punishable as a scheduled violation under section
3 805.8A, subsection 14, paragraph "c". Violations shall be
4 charged as follows:

5 a. An operator who transports a passenger under fourteen
6 years of age in violation of subsection 1 or 2 may be charged
7 with a violation of this section.

8 b. If a passenger fourteen years of age or older is unable
9 to properly fasten a seatbelt due to a temporary or permanent
10 disability, an operator who transports such a person in
11 violation of subsection 2 may be charged with a violation of
12 this section. Otherwise, a passenger fourteen years of age or
13 older who violates subsection 2 shall be charged in lieu of the
14 operator.

15 c. If a child under fourteen years of age, or a child
16 fourteen years of age or older who is unable to fasten a
17 seatbelt due to a temporary or permanent disability, is being
18 transported in a taxicab in a manner that is not in compliance
19 with subsection 1 or 2, the parent, legal guardian, or other
20 responsible adult traveling with the child shall be served
21 with a citation for a violation of this section in lieu of the
22 taxicab operator. Otherwise, if a passenger being transported
23 in the taxicab is fourteen years of age or older, the citation
24 shall be served on the passenger in lieu of the taxicab
25 operator.

26 Sec. 10. Section 321I.10, subsections 1, 2, and 3, Code
27 Supplement 2009, are amended to read as follows:

28 1. A person shall not operate an all-terrain vehicle or
29 off-road utility vehicle upon roadways or highways except as
30 provided in section 321.234A and this section.

31 2. A registered all-terrain vehicle or off-road utility
32 vehicle may be operated on the roadways of that portion of
33 county highways designated by the county board of supervisors
34 for such use during a specified period. The county board of
35 supervisors shall evaluate the traffic conditions on all county

1 highways and designate roadways on which all-terrain vehicles
2 or off-road utility vehicles may be operated for the specified
3 period without unduly interfering with or constituting an undue
4 hazard to conventional motor vehicle traffic. In designating
5 such roadways, the board may authorize all-terrain vehicles
6 and off-road utility vehicles to stop at service stations or
7 convenience stores along a designated roadway.

8 3. Cities may designate streets under the jurisdiction
9 of cities within their respective corporate limits
10 which may be used for the ~~sport of driving~~ operation of
11 registered all-terrain vehicles or registered off-road utility
12 vehicles. In designating such streets, the city may authorize
13 all-terrain vehicles and off-road utility vehicles to stop
14 at service stations or convenience stores along a designated
15 street.

16 Sec. 11. Section 322D.1, subsection 1, Code 2009, is amended
17 to read as follows:

18 1. "*All-terrain vehicle*" means ~~the same as defined in~~
19 ~~section 321H.1~~ a motor vehicle designed to travel on three or
20 more wheels and designed primarily for off-road recreational
21 use but not including farm tractors or equipment, construction
22 equipment, forestry vehicles, or lawn and grounds maintenance
23 vehicles.